

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Olubukola Ajayi	Team: Team # 4	CCRB Case #: 200903387	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Wednesday, 03/04/2009 9:30 PM	Location of Incident: East 108 St. and Park Ave., inside the 23 precinct	Precinct: 23	18 Mo. SOL 9/4/2010	EO SOL 9/4/2010	
Date/Time CV Reported Fri, 03/06/2009 12:20 AM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Fri, 03/06/2009 12:20 AM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. Officers			
2. POM Marcelino Alvarez	26122	937973	023 PCT
3. SGT Timothy Skretch	02114	926130	023 PCT
4. POM Ramiro Ruiz	07987	939384	023 PCT
5. POM Christop Diakonikolas	31734	932595	023 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. SGT Ginger Ortiz	04232	898219	023 PCT
2. POF Rafaela Rosario	10172	929454	023 PCT
3. POM Lukas Kyriannis	28036	932871	023 PCT

Officer(s)	Allegation	Investigator Recommendation
A.SGT Timothy Skretch	Abuse: Sgt. Timothy Skretch stopped § 87(2)(b) at 108th Street and Park Avenue.	
B.SGT Timothy Skretch	Abuse: Sgt. Timothy Skretch refused to provide his shield number to § 87(2)(b) at 108th Street & Park Avenue.	
C.POM Christop Diakonikolas	Abuse: PO Christopher Diakonikolas strip-searched § 87(2)(b) at the 23rd Precinct.	
D.POM Ramiro Ruiz	Abuse: PO Ramiro Ruiz threatened § 87(2)(b) with the use of force at the 23rd Precinct.	
E.POM Marcelino Alvarez	Abuse: PO Marcelino Alvarez threatened § 87(2)(b) with the use of force at the 23rd Precinct.	
F.POM Marcelino Alvarez	Force: PO Marcelino Alvarez used a chokehold against § 87(2)(b) at 23rd Precinct.	
G.POM Marcelino Alvarez	Force: PO Marcelino Alvarez used physical force against § 87(2)(b) at the 23rd Precinct.	
H.POM Ramiro Ruiz	Force: PO Ramiro Ruiz used physical force against § 87(2)(b) at the 23rd Precinct.	

Officer(s)	Allegation	Investigator Recommendation
I. Officers	Force: Officers used physical force against § 87(2)(b) at the 23rd Precinct.	

Case Summary

On March 6, 2009, § 87(2)(b) filed the following complaint with the CCRB through its call processing system.

At about 9:30 p.m. on March 4, 2009, § 87(2)(b) was approached and stopped by officers from the 23rd Precinct's Street Narcotics Enforcement Unit when he exited from a FTAP building, located at 127 East 107th Street in Manhattan. The following allegations resulted as a result of the officers' actions:

- **Allegation A – Abuse of Authority:** Sgt. Timothy Skretch stopped § 87(2)(b) at 108th Street and Park Avenue. § 87(2)(g)
- **Allegation B – Abuse of Authority:** Sgt. Timothy Skretch refused to provide his shield number to § 87(2)(b) at 108th Street & Park Avenue.
- **Allegation C – Abuse of Authority:** PO Christop Diakonikolas strip-searched § 87(2)(b) at the 23rd Precinct.
- **Allegation D – Abuse of Authority:** PO Ramiro Ruiz threatened § 87(2)(b) with the use of force at the 23rd Precinct.
- **Allegation E – Abuse of Authority:** PO Marcelino Alvarez threatened § 87(2)(b) with the use of force at the 23rd Precinct.
- **Allegation F – Force:** PO Marcelino Alvarez used a chokehold against § 87(2)(b) at 23rd Precinct.
- **Allegation G – Force:** PO Marcelino Alvarez used physical force against § 87(2)(b) at the 23rd Precinct.
- **Allegation H – Force:** PO Ramiro Ruiz used physical force against § 87(2)(b) at the 23rd Precinct. § 87(2)(g)
- **Allegation I - Force:** Officers used physical force against § 87(2)(b) at the 23rd Precinct. § 87(2)(g)

Results of Investigation

Civilian Statement

Complainant/Victim: § 87(2)(b)

§ 87(2)(b)

CCRB Testimony

§ 87(2)(b) was interviewed at CCRB on March 13, 2009 (encl. 9.1-35). He provided statements to medical personnel on March 5 and 6, 2010, and provided telephone statements to the CCRB on March 10, March 11, and June 1, 2009. § 87(2)(b) also provided additional information to the CCRB during his photo array on July 7, 2009. § 87(2)(g)

At about 8:30 p.m. on March 4, 2009, he stopped by 127 East 107th Street in Manhattan, to visit two friends. § 87(2)(b) does not live in the building. He exited the building when he realized that they were not there. He was stopped by three or four plain clothes officers in an unmarked gray car at the intersection of East 108th Street and Park Avenue. Three officers were identified through investigation as Sgt. Timothy Skretch, PO Rafaela Rosario, and PO Lucas Kyriannis. Sgt. Skretch asked § 87(2)(b) where he was coming from, and he said that he had gone to see a friend. Sgt. Skretch asked him what he had on his person and searched § 87(2)(b)

front pants pockets and jacket pockets. § 87(2)(b) asked Sgt. Skretch for his badge number, which was not displayed, and Sgt. Skretch did not provide it to him. Sgt. Skretch placed him in handcuffs. When § 87(2)(b) asked him why he was being arrested, Sgt. Skretch told him that it was because he came out of a building. § 87(2)(b) told Sgt. Skretch that he had gone to see a friend in the building. Sgt. Skretch asked him for the name of his friend and § 87(2)(b) told him that he did not know his friend's name. A police van occupied by a black male officer (PO5) and a stocky male officer (identified through investigation as PO Christoph Diakonikolas) responded to the scene and transported § 87(2)(b) to the 23rd Precinct. § 87(2)(b) asked PO5 and PO Diakonikolas to take him to the hospital because his wrist was hurting, but they did not respond.

When § 87(2)(b) got to the 23rd Precinct, PO Diakonikolas made him pull down his pants and boxers, spread his butt cheeks, and bend over. § 87(2)(b) did not allege that he was strip-searched in his initial complaint. PO Ramiro Ruiz placed him in a holding cell. § 87(2)(b) saw PO Marcelino Alvarez around the holding cell at this point. While § 87(2)(b) was in the holding cell, he complained about his arrest and said that he was going to file a complaint with IAB. PO Ruiz told PO Alvarez "I'm about to taser this nigga." PO Alvarez threatened to kill or shoot § 87(2)(b) if he saw him again. At some point, § 87(2)(b) told the officers that he was no longer interested in going to the hospital because it would prolong his arrest process. Approximately ten to thirteen minutes later, as he was on his knees, praying out loud to himself, he felt someone grab him. PO Alvarez placed § 87(2)(b) in a chokehold and punched him on his back and on the right side of his face while PO Ruiz kneed him on the back. § 87(2)(b) left ear lobe, which had an earring in it, ripped as a result of PO Alvarez choking him; although, it is unclear how. He initially said when he filed the complaint that his ear lobe was ripped as a result of being stomped on the face. He also said when he initially filed the complaint that his hair was pulled out, but he did not indicate and neither was he asked who did. PO Ruiz stomped § 87(2)(b) three times on the right side of his face, knee and back. § 87(2)(b) did not resist. He believed that PO Ruiz and PO Alvarez were assisted by other officers because unknown prisoners in the holding cell told him that he was attacked by seven officers and because he felt hands holding onto his legs, arms, and back. § 87(2)(b) was punched on his legs. He was placed in an ambulance and transported to the § 87(2)(b) where he received treatment for the following injuries: ripped ear lobe; ripped hair from the middle of his head; scar to the right side of his face; bruise to the neck; loose tooth on the left side of his mouth; injuries to the middle of his middle back and right shoulder. After § 87(2)(b) was released from the hospital, he was brought back to the precinct where his finger prints and arrest photo were then taken.

Injury Photos

On April 17, 2009, the CCRB received two CDs from § 87(2)(b) containing photos of his injuries. The photos showed redness above his right eye, blood on his left ear lobe, and a dreadlock strand. There is no redness or injury to his head from where the dreadlock was to have come. The remaining photos are of poor quality and show nothing definitive (encl. 9.27-34).

Arrest Photo

§ 87(2)(b) arrest photo did not reveal any visible injuries on his face (encl. 9.35).

Photo Array

On July 7, 2009, during a photo array, § 87(2)(b) identified PO Ruiz as the officer who kicked him on the head, PO Alvarez as the officer who choked him, and PO Diakonikolas as the officer who strip-searched him. He recognized PO Rosario as one of the officers who stopped him, and Sgt. Ortiz as the officer who was behind the desk at the station house (encl. 9.12-26).

Attempts to Contact Civilians

The following individuals were in the holding cell at the same time as § 87(2)(b) and were contacted from September 14 to September 22, 2009: § 87(2)(b) and § 87(2)(b). Two letters were mailed to each of them at the addresses generated through Lexis-Nexis, but they were all returned as undeliverable.

NYPD Statements:

Subject Officer: PO MARCELINO ALVAREZ

- § 87(2)(b) year old Hispanic male, 6'0 tall, 195 pounds, brown hair, and brown eyes.
- PO Alvarez was assigned to SNEU and to an unmarked patrol vehicle with PO Ramiro Ruiz. He was dressed in plainclothes and worked from 2:00 p.m. to 10:35 p.m. on March 4, 2009.

Memo Book

At 9:30 p.m. PO Alvarez had one under for trespass. At 10:30 p.m., § 87(2)(b) hit his head on the gate in the cells.

Criminal Court Complaint

PO Alvarez observed § 87(2)(b) enter the lobby of the dwelling by following another individual past a locked door. The lobby has a sign that read "No Trespassing, Tenants and their Guests only." § 87(2)(b) is not a tenant and told him, "I don't know anybody in the building."

CCRB Testimony

PO Marcelino Alvarez was interviewed at the CCRB on September 9, 2009 (encl. 11.1-10). He, PO Ruiz, and possibly a third officer saw § 87(2)(b) enter an FTAP building, located at 127 East 107th Street in Manhattan, which was a known spot for the sale of marijuana by the "§ 87(2)(b)." PO Alvarez observed the building from a vehicle that was parked directly in front of it. He saw § 87(2)(b) enter the building and shake hands with the "§ 87(2)(b)." § 87(2)(b) and the "Pacheco brothers" moved to a corner in the hallway away from PO Alvarez's line of sight. When § 87(2)(b) exited the building less than five minutes later, PO Alvarez or PO Ruiz radioed the other members of the SNEU team and told them that § 87(2)(b) was walking towards East 108th Street. Officers in the catch car called and informed PO Alvarez and PO Ruiz that they had arrested § 87(2)(b) and that no drugs were recovered from him.

When PO Alvarez got to the station house, § 87(2)(b) was in handcuffs. He was informed by team members that § 87(2)(b) was acting up and disputing his charges. When PO Alvarez told § 87(2)(b) that he would be released after he was issued a summons for trespassing, § 87(2)(b) told him "Listen if you let me go, I will stop doing the show." When PO Alvarez repeated that § 87(2)(b) would be issued a summons, § 87(2)(b) told him "You are going to regret fucking with me." After which, he screamed "my wrist, my wrist." § 87(2)(b) got on his knees, started to pray, and cast spells on PO Alvarez and the other officers in the precinct. Sgt. Skretch told them to take § 87(2)(b) to the hospital so PO Alvarez and PO Ruiz opened the gate to the holding cell and asked § 87(2)(b) several times to come out. They entered the cell when § 87(2)(b) did not comply. § 87(2)(b) began to speak in tongues.

When PO Alvarez and PO Ruiz were about to pick § 87(2)(b) up, § 87(2)(b) "threw" himself against the gate of the cell and hit his head resulting in some redness. PO Alvarez and PO Ruiz tried to place § 87(2)(b) in handcuffs, but he ran away from them. PO Alvarez and PO Ruiz chased § 87(2)(b) around the cell. When they got a hold of him, they took him out of the cell, placed him on the ground and tried to handcuff him. They had difficulties placing § 87(2)(b) in handcuffs because he kept trying to turn around. PO Alvarez said it was possible that other officers in addition to PO Ruiz assisted him in placing § 87(2)(b) in handcuffs. He did not

stomp § 87(2)(b) on the face, and he did not see PO Ruiz do this. PO Alvarez said he may have placed his knee on § 87(2)(b) back when he was placing him in handcuffs, but he was not sure. He did not punch § 87(2)(b) and he did not see PO Ruiz doing this. PO Alvarez did not place § 87(2)(b) in a chokehold. He did not threaten to taser § 87(2)(b) and he did not hear PO Ruiz threatening to do this. He was not informed that § 87(2)(b) was strip-searched. PO Alvarez heard § 87(2)(b) say “You are going to regret this; one day you are going to be getting in your car and I’m going to come with a machine gun and kill you and mow you down while you are getting in the precinct.”

Subject Officer: PO RAMIRO RUIZ

- § 87(2)(b) year old Hispanic male, 6’0 tall, 220 pounds, black hair, and brown eyes.
- PO Ruiz was assigned to SNEU and an unmarked patrol vehicle with PO Marcelino Alvarez. He was dressed in plainclothes and worked from 2:00 p.m. to 10:35 p.m.

CCRB Testimony

PO Ramiro Ruiz was interviewed at the CCRB on September 2, 2009 (encl. 12.1-7). He saw § 87(2)(b) enter an FTAP building, but he did not recall what factors led them to ask the officers in the catch car to stop him. PO Ruiz did not know if any strip-search was authorized. He did not tell § 87(2)(b) “I am going taser this nigga.” PO Ruiz did not hear PO Alvarez threaten to kill or shoot § 87(2)(b). PO Ruiz and PO Alvarez entered the cell after they asked § 87(2)(b) to come out of the cell several times so they could take him to the hospital. § 87(2)(b) subsequently “threw” himself against the gate of the cell when he and PO Alvarez tried to grab him. He believed that as a result of this action, § 87(2)(b) sustained a cut or an abrasion somewhere on his body, but he was not sure. PO Ruiz and PO Alvarez pulled § 87(2)(b) who struggled with them and held on to the gate of the cell, out of the cell. After which, he and PO Alvarez placed § 87(2)(b) to the floor. § 87(2)(b) sat on the floor and did not let them place his arms behind his back. Sgt. Skretch saw when they tried to place § 87(2)(b) in handcuffs. PO Ruiz did not punch or stomp § 87(2)(b) on the face, and he did not see any other officer doing this. PO Ruiz said he may have used his knees to keep § 87(2)(b) body down and believed that two other officers, who he did not recall, held onto § 87(2)(b) feet. PO Ruiz did not see these officers punch or hit § 87(2)(b) on his feet. PO Ruiz believed that it was PO Alvarez who placed § 87(2)(b) in handcuffs. After which, § 87(2)(b) was transported to the hospital by two officers from the midnight tour.

Subject Officer: SGT. TIMOTHY SKRETCH

- § 87(2)(b) year old white male, 6’0” tall, 225 pounds, brown hair, blue eyes
- Sgt. Skretch was assigned to the SNEU catch car (RMP # 839 – gray Chevy impala) with PO Rosario and PO Kyriannis. He was dressed in plainclothes, and worked from 2 p.m. to 10:35 p.m. on March 4, 2009.

CCRB Testimony

Sgt. Timothy Skretch was interviewed at the CCRB on October 1, 2009 (encl. 13.1- 5). He was directed by members of his observation post to respond to East 108th Street and Park Avenue in Manhattan and arrest § 87(2)(b). Sgt. Skretch did not recall which one of the observation post officers put over the call or if the officer told him what they saw § 87(2)(b) doing. He responded and saw § 87(2)(b) walking from 107th Street to 108th Street on Park Avenue. § 87(2)(b) said he was coming from church and had not been inside 127 East 107th Street.

Sgt. Skretch – who believed that members of the observation unit confirmed that he had stopped the right person - placed § 87(2)(b) under arrest for trespassing. Sgt. Skretch did not

know who placed § 87(2)(b) in handcuffs. § 87(2)(b) was searched by one of the officers in the catch car and nothing was recovered. § 87(2)(b) asked Sgt. Skretch for his name and badge number, and he provided them. He also showed § 87(2)(b) his badge, which was displayed on his person. Sgt. Skretch radioed the prisoner van and they picked up § 87(2)(b). He believed that PO Diakonikolas and PO Sanchez were the officers in the prisoner van because they were not working with him or part of the observation post.

Sgt. Skretch did not have any interaction with § 87(2)(b) at the precinct, and he was not informed that physical force was used to restrain § 87(2)(b) at any point. He did not know if PO Alvarez and PO Ruiz had any physical interaction with § 87(2)(b) while he was at the 23rd Precinct. Sgt. Skretch, who said § 87(2)(b) was quiet while he was at the precinct, was not aware that § 87(2)(b) was strip-searched and said that only he or the desk sergeant could authorize any strip-search. Sgt. Skretch did not recall seeing § 87(2)(b) on his knees or praying in the holding cell. Sgt. § 87(2)(b) did not hear any officer say while at the precinct that “I am about to taser this nigga.” He did not hear any officer threatening to shoot or kill § 87(2)(b). He did not hear § 87(2)(b) complain of any injuries. Sgt. Skretch did not see any officer enter the holding cell, physically restrain § 87(2)(b) or use any force against him. Sgt. Skretch was not present when § 87(2)(b) was taken to the hospital, and only found out that § 87(2)(b) was taken to the hospital when he looked at the command log. Sgt. Skretch was not informed as to why § 87(2)(b) was taken to the hospital.

Subject Officer: PO CHRISTOPHER DIAKONIKOLAS

- § 87(2)(b) year old white male, 5’ 10”, 220 pounds, brown hair, hazel eyes
- PO Diakonikolas was assigned to SNEU and was working with PO Alvarez, PO Ruiz, PO Chambers, Sgt. Skretch, PO Gonzalez, and PO Kyriannis. He was in uniform and assigned to the prisoner van (RMP # 5818). He worked from 2:00 p.m. to 10:35 p.m.

CCRB Testimony

PO Christopher Diakonikolas was interviewed at the CCRB on December 9, 2009 (encl. 16.1- 5). On the incident date, Sgt. Skretch radioed him to pick up § 87(2)(b) in the vicinity of 108th Street and Park Avenue. When PO Diakonikolas arrived on the scene, he obtained § 87(2)(b) pedigree information and searched § 87(2)(b) pockets and waistband. When he did not recover any contraband on § 87(2)(b) person, he placed him in the prisoner van.

At the station house, PO Diakonikolas went upstairs to fill out property vouchers for the drugs that were recovered on others who were arrested. He did not request authorization to strip-search § 87(2)(b) and did not search him or have any further interactions with him. PO Diakonikolas did not witness and was not informed of any altercation between § 87(2)(b) and the other officers.

Witness Officer: PO LUCAS KYRIANNIS

- § 87(2)(b) year old white male, 5’9” tall, 235 pounds, bald and has brown eyes.
- PO Kyriannis was assigned to the SNEU apprehension vehicle (RMP # 839 – gray impala) with Sgt. Skretch. He was dressed in plainclothes, and worked from 2 p.m. to 10:35 p.m.

CCRB Testimony

PO Kyriannis was interviewed at the CCRB on November 4, 2009 (encl. 14.1- 4). He said that he did not recall whether he and his partners in the “catch car” observed the behavior that led to § 87(2)(b) arrest or whether they were asked to apprehend § 87(2)(b) by other SNEU officers. PO Kyriannis and Sgt. Skretch placed § 87(2)(b) under arrest. He and his partners were not asked by § 87(2)(b) for their shield or badge numbers. PO Kyriannis and his partners

resumed patrol after § 87(2)(b) was placed in the prisoner van. He did not see or have any interactions with § 87(2)(b) at the 23rd Precinct.

Witness Officer: PO RAFAELA ROSARIO

- § 87(2)(b) year old Hispanic female, 5'8" tall, 143 pounds, brown hair, and brown eyes.
- PO Rosario was assigned to SNEU and to an unmarked patrol car (RMP # 839) with Sgt. Skretch and PO Kyriannis. She was in uniform and worked from 2:00 p.m. to 10:35 p.m.

CCRB Testimony

PO Rafaela Rosario was interviewed at the CCRB on November 24, 2009 (encl.15.1-5). She had no recollection of the incident.

Witness Officer: SGT. GINGER ORTIZ

- § 87(2)(b) year old Hispanic female, 5'2" tall, 108 pounds, brown hair, and brown eyes.
- Sgt. Ortiz was assigned to the desk. She was in uniform and worked from 2:50 p.m. to 11:47 p.m.

CCRB Testimony

Sgt. Ginger Ortiz was interviewed at the CCRB on December 23, 2009 (encl. 17.1-5). She did not recall seeing § 87(2)(b) when Sgt. Skretch entered the precinct with some defendants. Sgt. Skretch told her to take a break when he entered and she did not witness or hear about any commotion involving any of the defendants. She did not authorize a strip search, but if one was authorized, it would be noted in the command log.

Medical Documents

§ 87(2)(b) was brought by ambulance to the § 87(2)(b). § 87(2)(b) initially complained of head and neck pain and told EMS personnel and hospital staff that officers beat him up and hit him several times on the head. He also said that he lost consciousness. At the hospital, he complained of back, hip and leg pain. The ACR notes that § 87(2)(b) had swelling above his right eye and on his forehead, and dried blood on his scalp and left ear lobe. He also had a past medical history of bulging discs in his back. The hospital records noted facial bruising and back tenderness. He was diagnosed with cervicalgia (neck pain). § 87(2)(b) returned to the hospital the following day and the records state that he sustained lower extremity and back injuries from a motor vehicle accident (encl. 18.1-19.14).

NYPD Documents

Prisoner Holding Pen Roster

This document showed that the following individuals were in the holding cell at the time of § 87(2)(b) arrest: § 87(2)(b) and § 87(2)(b) (encl. 20.10-12).

Arrest for Incident and Disposition

- § 87(2)(b) (encl. 21.8)

Status of Civil Proceedings

- § 87(2)(b) has not filed a Notice of Claim with the City of New York as of January 26, 2010 with regard to the incident (encl. 23.1).

Civilians Criminal History

- § 87(2)(b) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Civilians CCRB History

- This is the first CCRB complaint filed by § 87(2)(b) [REDACTED] (encl. 6.1).

Subject Officers CCRB History

- PO Marcelino Alvarez and PO Ramiro Ruiz have been members of the service for four years and have no substantiated CCRB allegations against them (encl. 2.1 -3.1).
- Sgt. Timothy Skretch has been a member of service for nine years and has no substantiated allegations against him (encl. 4.1).
- PO Christop Diakonikolas has been a member of the service for six years and has no substantiated CCRB allegations against him. (encl. 5.1).

Conclusion

Identification of Subject Officers

The subject officers in these case were picked out of a photo array by § 87(2)(b) [REDACTED] and the officers acknowledged that they interacted with him. § 87(2)(b) [REDACTED] could not identify the officers who allegedly hit his legs thus the allegation is pled against officers.

Investigative Findings and Recommendations

Allegations Not Pled

§ 87(2)(g) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Allegation A – Abuse of Authority: Sgt. Timothy Skretch stopped § 87(2)(b) [REDACTED] at 108th Street and Park Avenue.

It is not in dispute that Sgt. Skretch and his partners stopped § 87(2)(b) [REDACTED] shortly after he exited 127 East 107th Street. According to Kamins, New York Searches & Seizures, (2009 ed.), under the “fellow officer” rule, an arresting officer acts with probable cause when the arresting officer arrests a defendant at the direction of another officer who has probable cause. Pursuant to the “fellow officer” rule, the receiving officer is entitled to assume that the sending officer has probable cause and that such information is reliable and accurate (encl. 1.1-2). Sgt. Skretch and his partners stopped § 87(2)(b) [REDACTED] after receiving direction from the observation post officers to arrest § 87(2)(b) [REDACTED] § 87(2)(g) [REDACTED]
[REDACTED]
[REDACTED]

Allegation B – Abuse of Authority: Sgt. Timothy Skretch refused to provide his shield number to § 87(2)(b) [REDACTED] at 108th Street & Park Avenue.

§ 87(2)(b) [REDACTED] alleged that he asked Sgt. Skretch for his badge number and he refused to provide it. Sgt. Skretch said he provided his information and showed his badge to § 87(2)(b) [REDACTED] as well. No officers corroborated § 87(2)(b) [REDACTED] claim. § 87(2)(g) [REDACTED]
[REDACTED]

Allegation C – Abuse of Authority: PO Christopher Diakonikolas strip-searched § 87(2)(b) at the 23rd Precinct.

§ 87(2)(b) inconsistently alleged that PO Diakonikolas strip-searched him inside of the 23rd Precinct. PO Diakonikolas denied strip-searching § 87(2)(b) and none of the other officers saw PO Diakonikolas strip-search § 87(2)(b). Neither Sgt. Skretch nor Sgt. Ortiz admitted authorizing a strip-search, and were unaware that one was conducted. No strip-search was documented in the command log. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Allegation D – Abuse of Authority: PO Ramiro Ruiz threatened § 87(2)(b) with the use of force at the 23rd Precinct.

Allegation E – Abuse of Authority: PO Marcelino Alvarez threatened § 87(2)(b) with the use of force at the 23rd Precinct.

§ 87(2)(b) alleged that PO Ruiz told PO Alvarez that “I’m about to taser this nigga.” And PO Alvarez threatened to “kill or shoot” § 87(2)(b). Both officers denied making the threats, and no officers corroborated the allegations. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Allegation F – Force: PO Marcelino Alvarez used a chokehold against § 87(2)(b) at 23rd Precinct.

§ 87(2)(b) alleged that PO Alvarez placed him in a chokehold while he was praying, causing a rip to his left ear lobe. PO Alvarez denied choking § 87(2)(b) and none of the other officers said that they saw PO Alvarez choking § 87(2)(b). Also, it is not indicated in § 87(2)(b) ACR or medical records that he informed medical personnel that he was choked. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Allegation G – Force: PO Marcelino Alvarez used physical force against § 87(2)(b) at the 23rd Precinct.

Allegation H – Force: PO Ramiro Ruiz used physical force against § 87(2)(b) at the 23rd Precinct.

§ 87(2)(b) alleged that PO Alvarez punched him in the back and right side of his face, and PO Ruiz kneed him in the back and stomped him three times on the right side of the face, knee and back. PO Alvarez and PO Ruiz denied the alleged force and said that § 87(2)(b) threw himself against the cell gate and subsequently resisted being handcuffed. They took him to the ground and handcuffed him, using no other force than possibly placing knees on his back to hold him until they could handcuff him. No officers corroborated the alleged uses of force. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Allegation I - Force: Officers used physical force against § 87(2)(b) at the 23rd Precinct.

§ 87(2)(b) alleged that other officers held onto his arms and legs and punched his legs while he was being handcuffed in the cell. § 87(2)(b) stated that he was informed by cellmates that he was attacked by seven officers. PO Alvarez and PO Ruiz acknowledged that other officers may have assisted them in restraining § 87(2)(b) they could not identify anyone specific but did not see any officer strike § 87(2)(b) legs. No officers acknowledged assisting in restraining § 87(2)(b)

§ 87(2)(g)

Team: 4

Investigator: _____	_____	_____
Signature	Print	Date

Supervisor: _____	_____	_____
Title/Signature	Print	Date

Reviewer: _____	_____	_____
Title/Signature	Print	Date